

Assembly Bill No. 410—Assemblymen Jauregui, Yeager, O’Neill
and Monroe-Moreno

Joint Sponsors: Senators Pazina, Spearman and Stone

CHAPTER.....

AN ACT relating to industrial insurance; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, with certain exceptions, an injury or disease sustained by an employee caused by stress is compensable under industrial insurance only if the employee can prove by clear and convincing medical or psychiatric evidence that: (1) the employee has a mental injury caused by extreme stress in time of danger; (2) the primary cause of the injury was an event that arose out of and during the course of his or her employment; and (3) the stress was not caused by a layoff, termination or disciplinary action. Existing law provides that a first responder may prove by clear and convincing medical or psychiatric evidence that the mental injury was primarily caused by the first responder witnessing an event of a certain specified type during the course of his or her employment. Under existing law, an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom is not compensable under industrial insurance. (NRS 616C.180)

Section 1 of this bill expands the stress-related injuries that may be compensable under industrial insurance under certain circumstances to include a mental injury which afflicts a first responder and which is caused by extreme stress for which the primary cause was witnessing an event or series of events that arose out of and during the course of employment and involved: (1) the death, or aftermath of the death, of a person as a result of a violent event; or (2) an injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~fornitted-material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. ~~Any~~ *Except as otherwise provided in subsection 4, any* ailment or disorder caused by any gradual mental stimulus, and any



death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 and 5, an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment ~~[, and shall not be deemed the result of gradual mental stimulus,]~~ if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event *or a series of events* described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the



awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

Secs. 2 and 3. (Deleted by amendment.)

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

